

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES COVINGTON,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 19-3062
	:	
BUCKS COUNTY DEPARTMENT	:	
OF CORRECTIONS <i>et al.</i> ,	:	
	:	
Defendants.	:	

**JOINT STATUS REPORT PURSUANT TO RULE 26(f)**

Pursuant to this Court’s December 16, 2019 Order scheduling a Rule 16 conference for January 2, 2020 (ECF No. 93), Plaintiff James Covington (“Plaintiff”) and Defendants Paul K. Lagana, Andrew Amoroso, and Bucks County (collectively, “Defendants”), by and through their respective undersigned counsel, submit this Joint Status Report Pursuant to Rule 26(f) as follows:

1. Basis of Jurisdiction: Federal Question
2. Jury/Non-Jury/Arbitration: Jury trial demanded/case not eligible for arbitration
3. Counsel Participating in the Rule 16 Conference:
  - a. For Plaintiff: Alan Denenberg and Pat Whalen
  - b. For Defendants: Frank Chernak and Brett Waldron
4. Settlement Authority: Plaintiff is still considering his demand. Defendants will not be able to obtain settlement authority, if at all, until the new Commissioners are sworn in on January 6, 2020.
5. Rule 26 Conference: The parties conferred via telephone conference on December 23, 2019. It was agreed that:

- a. Defendants will serve their initial disclosures by December 30, 2019.

Plaintiff served his initial disclosures on October 30, 2018.

- b. The period for Fact Discovery will close on May 1, 2020.

- c. All parties anticipate using expert witnesses at least for some claims. The parties propose that Plaintiff serve his expert report by June 1, 2020. Defendants will serve their expert report by July 1, 2020. All expert discovery, including depositions, shall be completed by July 22, 2020.

6. Dispositive Motions: Defendants anticipate filing a motion for summary judgment and, possibly, *Daubert* motions. Defendants will likely raise issues of immunity, including qualified immunity, the personal involvement of Defendant Lagana, and whether the requirements of a *Monell* claim have been satisfied. The parties propose that any motions be filed by August 21, 2020.

7. Trial Date: The parties agree that this case should be trial-ready around October 19, 2020. Plaintiff proposes 2-3 days for his case. Defendants propose the same for their case.

8. Settlement Conference: Depending on the nature of the demand, a settlement conference may be helpful. It would likely be most helpful after the depositions of Plaintiff and Defendant Amoroso are completed.

9. Proceed Before Magistrate Judge: Plaintiff's counsel would need consent from their client; Defendants do not consent at this time.

10. Discovery Plan:

- a. The parties anticipate that fact discovery should be completed within 120 days.

b. The minimum amount of time necessary to complete discovery before an ADR session, if one is agreed to or ordered, is about 90 days (or around April 1, 2020).

c. During the Rule 26(f) conference, the parties discussed document productions, but did not anticipate any issues for this Court to resolve regarding claims of privilege or protection.

d. Regarding additional discovery issues, Defendants anticipate circulating a Confidentiality Agreement to protect from public disclosure documents that implicate the security of the Bucks County Correctional Facility or the personal information of any current or former County employee, or any current or former inmate.

e. The parties request 120 days for discovery due to the fact that there are numerous inmate-witnesses that have likely been released from the BCCF and need to be located, there will probably be 5–10 depositions, and there are foreseeable scheduling conflicts, including a pre-planned vacation for Mr. Denenberg in January 2020.

Dated: December 30, 2019

Respectfully submitted,

/s/ Alan Denenberg

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